

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sherri Love,

Plaintiff

v.

Medical Unit E FMWCC, et al.,

Defendants

Case No.: 2:20-cv-00525-JAD-EJY

**Order Denying as Moot Motion to Appoint
Counsel and Ordering a Reply to
Plaintiff's Motion to Stay Summary
Judgment Deadline**

[ECF Nos. 234, 235]

On July 25, 2023, plaintiff Sherri Love filed a motion for appointment of counsel and a motion to “stay” her deadline to respond to defendant’s long-pending summary-judgment motion.¹ Love’s motion for counsel is denied as moot because the relief she seeks has already been ordered. On July 17, 2023, the court referred this matter to the pro bono pilot program to attempt to locate another attorney to take Love’s case.² The court can take no other action to provide counsel in this civil case.

I construe Love’s motion to stay her deadline as an opposition to the summary-judgment motion under Federal Rule of Civil Procedure 56(d). Love has repeatedly told this court that she does not have the discovery she needs to adequately respond to the defendants’ motion.³ When Love was briefly represented by the Federal Public Defender’s Office, her counsel also expressed concern that certain crucial discovery was not obtained in this case.⁴ So, in the

¹ ECF No. 234; ECF No. 235.

² ECF No. 233.

³ See ECF No. 174 at 3–4 (Love’s “Rule 56(d) declaration”); ECF No. 235 at 2 (stating that she needs to have a kidney specialist and orthopedic specialist study her medical records, collect declarations from witnesses, and serve interrogatories).


⁴ See ECF No. 228 at 2.

1 interests of justice, I construe her motion requesting a stay, along with her previous attempts to
2 invoke FRCP 56(d), as an opposition to the summary-judgment motion on that basis alone. So I
3 give defendants seven days to reply to Love's argument that she was unable to obtain necessary
4 discovery to prove her case, necessitating relief under FRCP 56(d).

5 **Conclusion**

6 IT IS THEREFORE ORDERED that Love's motion for the appointment of counsel
7 **[ECF No. 234] is DENIED as moot.**

8 IT IS FURTHER ORDERED that Love's motion to stay her response deadline is
9 construed as a response to the defendants' summary-judgment motion under FRCP 56(d). **The**
10 **Clerk of Court is directed** to rename the motion at ECF No. 235 as an "opposition to
11 defendants' summary judgment motion under FRCP 56(d)." **Defendants have seven days to**
12 **reply** to Love's argument that she cannot present facts essential to justify her opposition under
13 FRCP 56(d).

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16 U.S. District Judge Jennifer A. Dorsey
17 July 26, 2023
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